

MELINDA HAAG (CABN 132612)
United States Attorney
THOMAS MOORE (ALBN 4305-O78T)
Chief, Tax Division
MICHAEL G. PITMAN (DCBN 484164)
Assistant United States Attorney
450 Golden Gate Ave., Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6475
Facsimile: (415) 436-7009
Email: michael.pitman@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

United States of America,

Plaintiff,

v.

Fitz William Guerin,

Defendant.

Case No. 3:12-cv-00187-MEJ

STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE PRETRIAL
DEADLINES AND TRIAL DATE

IT IS HEREBY STIPULATED by and between Plaintiff the United States of America (“United States”) and Defendant Fitz William Guerin (“Mr. Guerin”), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 16(b)(4) and Local Civil Rule 6-2, that good cause exists and the parties request that the Court continue the pretrial and trial deadlines set forth in the Court’s Order dated April 16, 2012 (Doc. # 6), and state as follows in support:

1. This case involves an evaluation of whether Mr. Guerin is liable for civil penalties, known as Trust Fund Recovery Penalties, made against him by the Internal Revenue Service pursuant to 26 U.S.C. § 6672, holding him personally liable for the unpaid federal

1 withholding taxes of Orbit Travel Network, Inc. for the second quarter of 1998, and the second
2 and third quarters of 1999.

3 2. Pursuant to the Court's April 16th Irder, the following schedule is currently in
4 place:

| | | |
|----|--|-------------------------|
| 5 | Close of discovery: | 4/2/2013 |
| 6 | Last date to file motions: | 5/2/2013 |
| 7 | Dispositive motions hearing date: | 6/6/2013 at 10:00 a.m. |
| 8 | Last date to confer regarding pretrial conference statement and to exchange trial papers: | 8/7/2013 |
| 9 | | |
| 10 | Last date to file pretrial conference statement, trial papers and motions in limine: | 8/22/2013 |
| 11 | Last date to file oppositions to motions in limine: | 8/29/2013 |
| 12 | Initial pretrial conference: | 9/5/2013 at 10:00 a.m. |
| 13 | Last date to file trial briefs, voir dire, jury instructions and verdict forms: | 9/6/2013 |
| 14 | | |
| 15 | Final pretrial conference: | 10/3/2013 at 10:00 a.m. |
| 16 | Trial date: | 10/7/2013 |

17 3. The parties are currently conducting discovery. Both parties have produced Initial
18 Disclosures pursuant to Fed. R. Civ. P. 26(a)(1): Mr. Guerin has disclosed eight witnesses
19 pursuant to Rule 26(a)(1)(A)(i), and sixty pages of documents pursuant to Rule 26(a)(1)(A)(ii);
20 and the United States has disclosed eleven witnesses pursuant to Rule 26(a)(1)(A)(i), and over
21 1,500 pages of documents pursuant to Rule 26(a)(1)(A)(ii). Each party has also propounded and
22 responded to Interrogatories, Requests for Production of Documents, and Requests for
23 Admissions. The parties hereby request an approximately 90 day extension of all existing
24 deadlines, not for purposes of delay, but rather to allow the parties to complete discovery,

1 explore the possibility of a negotiated resolution to this matter, and to prepare dispositive
 2 motions, if necessary. Specifically, the parties hereby respectfully request that the Court amend
 3 the schedule as follows (with the remaining provisions of the Court's April 16th Order remaining
 4 unchanged):

| | | |
|----|--|-------------------------|
| 5 | Close of discovery: | 7/2/2013 |
| 6 | Last date to file motions: | 8/1/2013 |
| 7 | Dispositive motions hearing date: | 9/5/2013 at 10:00 a.m. |
| 8 | Last date to confer regarding pretrial conference statement and to exchange trial papers: | 11/6/2013 |
| 9 | | |
| 10 | Last date to file pretrial conference statement, trial papers and motions in limine: | 11/21/2013 |
| 11 | Last date to file oppositions to motions in limine: | 11/28/2013 |
| 12 | Initial pretrial conference: | 12/5/2013 at 10:00 a.m. |
| 13 | Last date to file trial briefs, voir dire, jury instructions, and verdict forms: | 12/6/2013 |
| 14 | | |
| 15 | Final pretrial conference: | 1/9/2014 at 10:00 a.m. |
| 16 | Trial date: | 1/13/2014 |

17 4. No party has previously sought or received an extension of time in this matter.

18 5. WHEREFORE the United States and Mr. Guerin hereby respectfully request that
 19 the Court extend the deadlines in this case by approximately 90 days, and grant such other and
 20 further relief as is just and proper.

Respectfully submitted this 6th day of March, 2013,

MELINDA HAAG
United States Attorney

s/ Timothy J. Chambers
TIMOTHY J. CHAMBERS
Law Offices of Timothy J. Chambers
1108 Fifth Avenue, Suite 200
San Rafael, CA 94901
415-459-2700
Email: tim@tjc-law.com

s/ Michael G. Pitman
MICHAEL G. PITMAN
Assistant United States Attorney, Tax
Division
450 Golden Gate Ave., Box 36055
San Francisco, CA 94102
Telephone: (415) 436-6475
Facsimile: (415) 436-7009
Email: michael.pitman@usdoj.gov

Attorney for Fitz William Guerin

Attorneys for the United States of America

~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties, and for good cause shown therein, it is hereby
ORDERED the deadlines set forth in the Court's Order dated April 16, 2012 (Doc. # 6), are
continued as follows:

| | |
|--|-------------------------|
| Close of discovery: | 7/2/2013 |
| Last date to file motions: | 8/1/2013 |
| Dispositive motions hearing date: | 9/5/2013 at 10:00 a.m. |
| Last date to confer regarding pretrial conference statement and to exchange trial papers: | 11/6/2013 |
| Last date to file pretrial conference statement, trial papers and motions in limine: | 11/21/2013 |
| Last date to file oppositions to motions in limine: | 11/28/2013 |
| Initial pretrial conference: | 12/5/2013 at 10:00 a.m. |
| Last date to file trial briefs, voir dire, jury instructions, and verdict forms: | 12/6/2013 |

Final pretrial conference:

1/9/2014 at 10:00 a.m.

Trial date:

1/13/2014

The remaining provisions of the Court's April 16th Order remain unchanged.

IT IS SO ORDERED.

Date: March 6, 2013



HONORABLE MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE